

89022

GENERAL STATUTES OF
MINNESOTA

SUPPLEMENT 1917

CONTAINING THE AMENDMENTS TO THE GENERAL STATUTES
AND OTHER LAWS OF A GENERAL AND PERMANENT
NATURE, ENACTED BY THE LEGISLATURE
IN 1915, 1916, AND 1917

WITH NOTES OF ALL APPLICABLE DECISIONS

COMPILED BY

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WEST PUBLISHING CO.

1918

in event there is not sufficient funds in the hands of the county treasurer of such county to pay in full the demands for refundment, payment or repayment of moneys as provided herein, to levy a tax for and make provision for the payment in full of all such demands. ('17 c. 418 § 3)

CHAPTER 8

TOWNS AND TOWN OFFICERS

POWERS—DUTIES—LIABILITIES

1097. Corporate powers—

The township within which a dissolved village was located is not, in the absence of statute so providing, the legal successor of the village, or the owner of its property and funds (125-280, 146+974). Municipal Corporations, §51.

1112. **Permanent fund for cemetery purposes**—That the board of supervisors of any township in the state which has heretofore purchased land for, and which is now used or may be hereafter purchased and used as a cemetery therein, may require and provide that any part or portion of the price paid for lots therein shall constitute a permanent fund which shall be deposited as hereinafter provided and that the interest accruing thereon shall be paid annually to the directors of said cemetery to be by them expended in caring for and beautifying such lot in the proportion which the amount set aside from said lot bears to the total amount in said fund. ('11 c. 224 § 1, amended '17 c. 161 § 1)

1113. **Same—Supervisors to fix price**—That said board of supervisors are hereby given power and authority to fix and determine the amount of such price of each such lot sold that shall be taken, held and deposited for the purpose of caring for and beautifying said lot and cemetery and to direct and require the said directors of said cemetery to expend the interest on the same as herein provided. ('11 c. 224 § 2, amended '17 c. 161 § 2)

1114. **Same—May accept gifts**—That said boards of supervisors and directors and each thereof, are hereby authorized and empowered to receive, accept and deposit as hereinafter provided any donation or gift of money made to such fund so created and to provide and require that the interest therefrom shall be used by the directors in the care and beautifying of such lot or lots in such cemetery, or in the care and beautifying of such cemetery, and may receive and accept gifts and donations for the care and beautifying of any particular lot or lots in such cemetery, and shall use the same and the interest thereon for the purpose specified by the donor. ('11 c. 224 § 3, amended '17 c. 161 § 3)

1115. **Same—Deposit with county treasurer**—The said board of supervisors are hereby authorized and empowered to require the directors of any such cemetery to deposit all such money in the county treasury of the county in which such township is located immediately after the sale and receipt by them of payment for any lot sold in such cemetery, or the receipt of any such gift or donation, and the county treasurer of any such county is hereby authorized, empowered and directed to receive the same and all such and deposit it as hereinafter provided. ('11 c. 224 § 4, amended '17 c. 161 § 4)

1116. **Same—Deposit in bank**—That said funds, and all thereof, as soon as received by such county treasurer shall be deposited in a bank designated as a depository of county funds by the board of auditors of such county. ('11 c. 224 § 5, amended '17 c. 161 § 5)

1117. **Same—Interest**—That for the purpose of such deposit, said fund so created shall be treated as other funds in the county treasury, except as

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calendar year and the amount of money in said fund at the end of said calendar year, a statement of the amount of interest collected on said fund and turned over to the directors and a statement of the excess, if any, of the interest over the sum necessary for the care and beautifying of said lots which the directors shall have deposited in such treasury to be added to and made a part of the permanent fund. ('11 c. 224 § 10, amended '17 c. 161 § 9)

[1121—]1. **Dynamite for stump blowing**—Towns are hereby authorized and empowered to furnish residents actually settled upon lands within the town with dynamite for the sole purpose of its use in blowing up stumps in connection with the clearing of land owned by such applicant. ('17 c. 89 § 1)

[1121—]2. **Same—Bonds**—Towns shall have the power to buy and issue their warrants for such dynamite and also to execute their bonds for such purpose, the same as they could execute them for any purpose now specified in the statutes of this state; provided, that no town shall have authority to issue its warrants or bonds for such purpose in a total amount greater than five thousand dollars. ('17 c. 89 § 2)

[1121—]3. **Same—Disposition of dynamite—Application—Mortgage—Tax levy**—The town board shall have the disposition of the dynamite so bought by said town and shall deliver the same to such actual residents and settlers only upon their application for the same showing that they are under urgent necessity for using the same for clearing of lands owned by them in fee, or under contract for the purchase by them of the full title thereto, and said application shall state that the applicant thereby recognizes and agrees to pay for and create a lien on his land for the payment of the value of such dynamite, payable in 5 annual payments, substantially as follows:

APPLICATION FOR DYNAMITE

The undersigned hereby applies to the Town of County, Minnesota, for pounds of dynamite, and to obtain the same represents:

1. That he is the owner of
2. That his title thereto or interest therein is as follows:.....
3. That he will tender an abstract of title showing title in fee or a contract to purchase, in the applicant, together with a mortgage and lien contract upon his land, and give a note for the payment of the sale price of said dynamite ten days before asking for its delivery.
4. That said mortgage shall be in the usual form except that it shall contain an agreement that such mortgage is for the payment of the purchase price of pounds of dynamite from the town of, County, Minnesota, and that the amount secured by this mortgage shall be a first lien upon the land therein described which lien shall be in favor of said town, be further secured by levy of an assessment thereon which assessment shall be treated as a town tax, and said tax shall be levied and collected the same as other town taxes and so treated in all respects. The town board shall receive and endorse their approval upon such application, which application shall be in duplicate and said board shall file one copy of said application with the town clerk and the other with the county auditor, after the said town board shall have endorsed thereon the value of the dynamite delivered to such person and the amount that is to be paid each year thereon as principal and interest, and when such endorsement shall have been made by said town board and shall be filed with the county auditor, he shall levy such sums as are required to pay in five years the value of such dynamite as shall have been so delivered to said applicant, and interest thereon, and shall levy such tax upon said land as is necessary to raise such amount, as shall be necessary to pay said liens for dynamite with interest thereon as hereinbefore provided and the said tax shall be extended and collected as are

other taxes for town expenses which are liens upon the same tract of land, and shall thereafter be treated the same as other town taxes. ('17 c. 89 § 3)

[1121—]4. **Same—Wrongful use of dynamite—Penalty**—Any use of said dynamite for any other purpose than that for which it is applied for shall be a misdemeanor. ('17 c. 89 § 4)

TOWN MEETINGS

1122. **First meeting—Proceedings—**

The Australian ballot system does not apply to a town election, such elections being governed by this section and the following sections (127-33, 148+593). Towns, ☞28.

[1123—]1. **Place for holding annual town meeting or general election**—In any town in this state not owning a town hall and which town does not hold its annual town meeting or general election in a city or village, the town board, upon a petition signed by twenty-five of the legal voters of said town, shall, twenty days before any annual town meeting or general election, designate a suitable place in said town for holding such annual town meeting or general election, which place shall be as near as possible to the geographical center of the town. ('17 c. 342 § 1)

TOWN BOARD.

[1146—]1. **Lighting highways—Cost; how paid**—The town board of any town is hereby authorized to light any public highway within its territorial jurisdiction where such lighting is necessary for the safety of travel upon such highway at night. The cost of the installation and maintenance of such lights shall be paid from the town road and bridge fund. ('15 c. 180 § 1)

TOWN TREASURER

1161. **Fees**—Each town treasurer shall be allowed to retain two per cent of all moneys paid into the town treasury for receiving, safely keeping, and paying over the same according to law, provided that his compensation shall in no case exceed forty dollars in towns containing not more than 36 sections of land, and fifty dollars in towns containing more than 36 sections of land, in any one year. None of the provisions of this act shall affect the salary of any town treasurer in any township whose assessed valuation is over one million dollars (\$1,000,000.00). (Amended '17 c. 295 § 1)

1190. **Limit of debts, etc.—**

Cited (133-270, 158+392).

1191. **Separation from village—**

A sale of intoxicating liquor by one licensed by the common council of a village during the period of his license, but after the town in which the village is located has voted "no license," is unlawful, where there has been no statutory separation of the village and the town, and both participate in the election (126-505, 148+99). Intoxicating Liquors, ☞148.